

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -	x	
	:	<u>NOLLE PROSEQUI</u>
UNITED STATES OF AMERICA	:	
	:	22 Cr. 454 (VSB)
-v.-	:	
	:	
DARIUS PIZARRO,	:	
	:	
Defendant.	:	
- - - - -	x	

1. The filing of this nolle prosequi will dispose of this case with respect to DARIUS PIZARRO, the defendant.

2. On August 23, 2022, Indictment 22 Cr. 454 (the "Indictment") was returned, charging DARIUS PIZARRO, the defendant, with one count of Hobbs Act robbery, in violation of 18 U.S.C. §§ 1951 and 2, one count of brandishing a firearm in furtherance of the Hobbs Act robbery, in violation of 18 U.S.C. §§ 924(c)(1)(A)(i), (ii), and 2, and one count of attempted Hobbs Act robbery, in violation of 18 U.S.C. §§ 1951 and 2.

3. On or about October 19, 2022, while the above-captioned case was pending, but prior to any trial or other disposition, DARIUS PIZARRO, the defendant, died.

4. Because DARIUS PIZARRO, the defendant, died while this case was pending, and therefore before a final judgment was issued, the Indictment must be dismissed under the rule of abatement. See *United States v. Wright*, 160 F.3d 905, 908 (2d Cir. 1998).

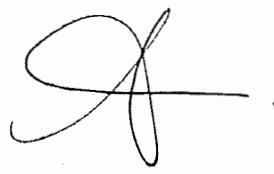
5. Accordingly, I recommend that an order of nolle prosequi be filed as to defendant DARIUS PIZARRO.

Dated: New York, New York
October 21, 2022


AMANDA WEINGARTEN
Assistant United States Attorney


Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of nolle prosequi be filed as to defendant DARIUS PIZARRO.

Dated: New York, New York
October 21, 2022


DAMIAN WILLIAMS
United States Attorney
Southern District of New York

SO ORDERED:

Dated: New York, New York
October 21, 2022


Hon. Vernon S. Broderick
United States District Judge
Southern District of New York